



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,660	06/16/2000	Eric Teller	1148/015	2830

23861 7590 05/27/2003

METZ LEWIS, LLC
11 STANWIX STREET
18TH FLOOR
PITTSBURGH, PA 15222

EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,660

Applicant(s)

TELLER ET AL.

Examiner

Natalie A. Pass

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 16 June 2000. Claims 1-103 are pending.

Specification

2. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14, 23-38, 44-57, 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al, U.S. Patent Number 5, 410, 471 in view of Alleckson et al, U.S. Patent Number 6, 336, 900.

(A) As per claim 1, Alyfuku teaches a system for detecting, monitoring and reporting human physiological information, comprising:

a sensor device which generates, when placed in proximity with at least a portion of the human body, at least one of data indicative of one or more physiological parameters of an individual and derived data from at least a portion of said data indicative of one or more physiological parameters (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48); and

means for transmitting at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data to a recipient (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22).

Although Alyfuku teaches a central monitoring unit (Alyfuku; column 4, line 60 to column 5, line 7), Alyfuku fails to explicitly disclose a central monitoring unit remote from said sensor device adapted for the generation of analytical status data from at least a portion of at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data, said central monitoring unit including a data storage device for retrievably storing at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data; and

data transfer means for establishing at least temporary electronic communication between said sensor device and said central monitoring unit.

Art Unit: 3626

Alleckson teaches a central monitoring unit remote from said sensor device adapted for the generation of analytical status data from at least a portion of at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data, said central monitoring unit including a data storage device for retrievably storing at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62); and

data transfer means for establishing at least temporary electronic communication between said sensor device and said central monitoring unit (Alleckson; Abstract, column 2, lines 29-48, column 10, lines 35-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku to include a central monitoring unit remote from said sensor device adapted for the generation of analytical status data from at least a portion of at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data, said central monitoring unit including a data storage device for retrievably storing at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data; and data transfer means for establishing at least temporary electronic communication between said sensor device and said central monitoring unit, as taught by Alleckson, with the motivation of allowing for great flexibility in information management - by using LAN and/or the Internet individuals with a variety of needs and technical expertise, over a wide geographical area can access the information to obtain the information

Art Unit: 3626

they need, even to input their own feedback to the data management center (e.g., feedback to the clinicians) (Alleckson; column 3, lines 9-16).

(B) As per claims 2-4, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 1 above, wherein said sensor device comprises one or more sensors for generating signals in response to physiological characteristics of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and wherein said signals comprise said data indicative of one or more physiological parameters of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and wherein said sensor device further comprises a processor coupled to said sensors, said processor being programmed to generate said data indicative of one or more physiological parameters of said individual from said signals generated by said one or more sensors (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Figure 2, column 4, lines 6-69)

Art Unit: 3626

(C) As per claims 5-7, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 1 above, wherein said processor is further programmed to generate said derived data (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 36, column 10, lines 21-62, column 12, lines 40-62) and wherein said sensor device provides feedback to said individual based on said derived data (Alyfuku; column 8, lines 45-51, column 11, line 64 to column 12, line 4), (Alleckson; column 1, lines 51-61) and wherein said central monitoring unit is adapted to generate derived data from at least a portion of said data indicative of one or more physiological parameters of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Abstract, Figure 2, column 2, lines 35-61, column 3, line 39 to column 4, line 69, column 10, lines 21-62, column 12, lines 40-6).

(D) As per claims 8-10, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 1 above, wherein said processor generates said data indicative of one or more physiological parameters by accumulating said signals generated by said sensors (Alyfuku; column 13, lines 29-66, column 14, lines 30-34) and wherein said data indicative of one or more physiological parameters comprises a summary over a period of time (Alyfuku; Figure 20, Figure 21, column 17, line 35 to column 18, line 46), (Alleckson; column 4, lines 37-51) and wherein said sensor device further comprises a memory for storing said data indicative of one or

Art Unit: 3626

more physiological parameters and said derived data (Alyfuku; see at least Figure 21, column 17, line 35 to column 18, line 46), (Alleckson; column 4, lines 37-51).

(E) As per claims 11-14, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 1 above, wherein said central monitoring unit is adapted to generate one or more web pages containing at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data, and wherein said means for transmitting makes said web pages accessible by said recipient over the Internet (Alleckson; column 2, line 61 to column 3, line 16, column 10, lines 21-62, column 13, line 49 to column 14, line 2, column 14, line 58 to column 15, line 6, column 15, lines 21-54, column 16, lines 6-19) and further comprising a personal computer having web browsing software, said recipient accessing said web pages using said personal computer (Alleckson; column 2, line 61 to column 3, line 16, column 10, lines 21-62, column 13, line 49 to column 14, line 2, column 14, line 58 to column 15, line 6, column 15, lines 21-54, column 16, lines 6-19) and wherein said means for transmitting transmits said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data to said recipient over an electronic network (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; Abstract, column 2, lines 29-48, column 10, lines 35-37).

(F) As per claims 23-25, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 1 above further comprising means for obtaining life activities data of said individual, said life activities data being retrievably stored in said data storage device, wherein

Art Unit: 3626

said analytical status data is also generated from selected portions of said life activities data (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62) and said means for obtaining comprising means for enabling said individual to input said life activities data and transmit said life activities data to said central monitoring unit (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62) and said means for obtaining comprising an input device for enabling said individual to input said life activities data, said input device being adapted to transmit said life activities data to said central monitoring unit (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62).

(G) As per claim 26-28, Alyfuku and Alleckson teach a system wherein said sensor device generates data indicative of one or more contextual parameters associated with said individual, and wherein said analytical status data is also generated from selected portions of said data indicative of one or more contextual parameters (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 8, lines 25-29, 45-52, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-

Art Unit: 3626

48) and wherein said sensor device comprises one or more sensors for generating signals in response to one or more contextual characteristics (Alyfuku; Figure 19, Figure 11, column 8, lines 25-29, 45-52, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), and further comprising means for downloading data from said central monitoring unit to said sensor device (Alyfuku; Figure 3A, column IV, column 14, lines 22-26), (Alleckson;, column 16, lines 21-47).

(H) Claim 29 differs from claim 1 by reciting a method of detecting, monitoring and reporting human physiological information rather than a system for detecting, monitoring and reporting human physiological information.

As per claim 29, Alyfuku and Alleckson teach a method of detecting, monitoring and reporting human physiological information, comprising the steps of

generating at least one of data indicative of one or more physiological parameters of an individual and derived data from at least a portion of said data indicative of one or more physiological parameters using a sensor device adapted to be placed in proximity with at least a portion of the human body (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48);

transmitting said at least one of said data indicative of one or more physiological parameters and said derived data to a central monitoring unit remote from said sensor device

Art Unit: 3626

(Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22);

retrievably storing said at least one of said data indicative of one or more physiological parameters and said derived data in a storage device (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62);

generating analytical status data from at least a portion of at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62); and

transmitting to a recipient at least one of said data indicative of one or more physiological parameters, said derived data and said analytical status data (Alleckson; Abstract, column 2, lines 29-48, column 10, lines 35-37).

The motivations for combining the respective teachings of Alyfuku and Alleckson are as given in the rejection of claim 1 above, and incorporated herein.

(I) Claims 30-38, 44-47 repeat the same limitations of claims 2-4, 7-11, 14, 23-24, 26 and are therefore rejected for the same reasons given for those claims. .

Art Unit: 3626

(J) Claim 48 differs from claims 1 and 29 by reciting a system for detecting and reporting one or more contextual parameters rather than a system or method for detecting, monitoring and reporting human physiological information.

As per claim 48, Alyfuku and Alleckson teach a system for detecting and reporting one or more contextual parameters (Alyfuku; column 8, lines 25-29, 45-52), comprising:

a sensor device which generates data indicative of one or more contextual parameters associated with an individual when placed in proximity with at least a portion of the human body (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48);

means for transmitting said data from said sensor device to a central monitoring unit remote from said sensor device, said central monitoring unit including a storage device for retrievably storing said data, and said central monitoring unit being adapted to generate analytical status data based on selected portions of said data retrieved from said storage device; and (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62)

means for transmitting said analytical status data to a recipient (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; Abstract, column 2, lines 29-48, column 10, lines 35-37).

Art Unit: 3626

The motivations for combining the respective teachings of Alyfuku and Alleckson are as given in the rejection of claim 1 above, and incorporated herein.

(K) As per claims 49-51, Alyfuku and Alleckson teach a system as analyzed and disclosed in claim 48 above, wherein said sensor device comprises one or more sensors for generating signals in response to one or more contextual characteristics (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and wherein said signals comprise said data indicative of one or more contextual parameters associated with said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and wherein said sensor device further comprises a processor coupled to said sensors, said processor being programmed to generate said data indicative of one or more contextual parameters based upon said signals generated by said one or more sensors. (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Figure 2, column 4, lines 6-69)

Art Unit: 3626

(L) As per claims 52-54, Alyfuku and Alleckson teach a system as analyzed and disclosed in claims 48, 49, and 51 above, wherein said processor generates said data by accumulating said signals generated by said sensors (Alyfuku; column 13, lines 29-66, column 14, lines 30-34) and wherein said data comprises a summary over a period of time (Alyfuku; Figure 20, Figure 21, column 17, line 35 to column 18, line 46), (Alleckson; column 4, lines 37-51) and wherein said sensor device further comprises a memory, and wherein said data generated by said processor is stored in said memory prior to being transmitted to said central monitoring unit (Alyfuku; see at least Figure 21, column 17, line 35 to column 18, line 46), (Alleckson; column 4, lines 37-51).

(M) Claims 55-57, 59-61 repeat the same limitations of claims 12-14, 23-25 and are therefore rejected for the same reasons given for those claims. .

5. Claims 18-20, 39-41, 58, 62-83, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al, U.S. Patent Number 5, 410, 471 in view of Alleckson et al, U.S. Patent Number 6, 336, 900 and further in view of Brown U.S. Patent Number 5, 933, 136.

(A) As per claims 18-20, Alyfuku and Alleckson teach a system as analyzed above in claim 1.

Alyfuku and Alleckson fail to explicitly disclose a system wherein said means for transmitting transmits said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data to said recipient in physical form

Art Unit: 3626

and wherein said physical form comprises a facsimile message and wherein said physical form comprises a piece of physical mail.

Brown teaches a system wherein said means for transmitting transmits said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data to said recipient in physical form (Brown; column 11, lines 44-55) and wherein said physical form comprises a facsimile message (Brown; column 11, lines 44-55) and wherein said physical form comprises a piece of physical mail (Brown; column 11, lines 44-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku and Alleckson to include a system wherein said means for transmitting transmits said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data to said recipient in physical form and wherein said physical form comprises a facsimile message and wherein said physical form comprises a piece of physical mail, as taught by Brown, with the motivation of utilizing a variety of methods, both electronic and traditional, of collecting data from patients in order to monitor medical parameters and progress, combining the daily monitoring of physiological conditions of the patient, which are required components of many treatment plans, with remote monitoring, and reducing the cost of treating disease by encouraging patient participation in the monitoring process. (Brown; column 1, line 23 to column 2, line 25, column 11, lines 44-55).

(B) Claims 39-41 repeat the same limitations of claims 18-20 and are therefore rejected for the same reasons given for those claims. .

(C) Claim 58 repeats the same limitations as claim 18 and is therefore rejected for the same reasons given for those claims. .

(D) Claim 62 differs from claims 1, 29 and 48 by reciting a system for monitoring the degree to which an individual has followed a suggested routine rather than a system or method for detecting, monitoring and reporting human physiological information or a system for detecting and reporting one or more contextual parameters.

As per claim 62, Alyfuku and Alleckson teach a system comprising:

a sensor device adapted to generate at least one of data indicative of one or more physiological parameters of said individual and derived data from at least a portion of said data indicative of one or more physiological parameters when placed in contact with at least a portion of the human body (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48);

means for transmitting said at least one of said data indicative of one or more physiological parameters and said derived data from said sensor device to a central monitoring unit remote from said sensor device (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62); and

Art Unit: 3626

means for providing life activities data of said individual to said central monitoring unit (Alyfuku; Abstract, column 1, lines 7-17, column 3, lines 20-31, column 4, line 30 to column 5, line 7);

wherein said central monitoring unit is adapted to generate and provide feedback or to advise a recipient relating to the degree to which said individual has followed said suggested routine, said feedback being generated from at least a portion of at least one of said data indicative of one or more physiological parameters of said individual, said derived data and said life activities data (Alyfuku; column 8, lines 45-51, column 11, line 64 to column 12, line 4), (Alleckson; column 1, lines 51-61).

Alyfuku and Alleckson fail to explicitly disclose a system for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan.

Brown teaches a system for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan (Brown; see at least Abstract, Figures 5 to 9, Figure 17, column 6, lines 20-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku and Alleckson to include a system for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan, as taught by Brown, with the motivation of communicating the preventative concept to a patient in such a way that he or she will be motivated and encouraged to comply with a prescribed treatment plan thus aiding the patient in treating his or her disease, removing from the patient's initiative the transmission of medical data on treatment compliance, combining the daily monitoring of physiological conditions of the patient, which are required components of many

Art Unit: 3626

treatment plans, with remote monitoring of compliance, reducing the cost of treating disease by preventing unmotivated patients from not complying with treatment plans (Brown; column 1, line 23 to column 2, line 25).

The motivations for combining the respective teachings of Alyfuku and Alleckson are as given in the rejection of claim 1 above, and incorporated herein.

(E) As per claims 63-66, Alyfuku, Alleckson, and Brown teach a system as analyzed and discussed in claim 62 above, wherein said sensor device comprises one or more sensors for generating signals in response to physiological characteristics of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and

wherein said signals comprise said data indicative of one or more physiological parameters of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least column 4, lines 6-36) and

wherein said sensor device further comprises a processor coupled to said sensors, said processor being programmed to generate said data indicative of one or more physiological parameters of said individual based upon said signals generated by said one or more sensors (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16,

Art Unit: 3626

line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Figure 2, column 4, lines 6-69) and

said central monitoring unit including a data storage device for retrievably storing said data indicative of one or more physiological parameters of said individual, said derived data and said life activities data (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62).

(F) As per claim 67, Alyfuku, Alleckson, and Brown teach a system as analyzed and discussed in claim 62 above, wherein said central monitoring unit is adapted to generate derived data from at least a portion of said data indicative of one or more physiological parameters of said individual (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Abstract, Figure 2, column 2, lines 35-61, column 3, line 39 to column 4, line 69, column 10, lines 21-62, column 12, lines 40-6).

(G) As per claim 68-71, Alyfuku, Alleckson, and Brown teach a system as analyzed and discussed in claim 62 above wherein said routine comprises a plurality of categories (Alyfuku; see at least Figure 3A, column II, column 3, line 65 to column 4, line 37) and wherein said feedback or advice is generated and provided with respect to each of said categories

Art Unit: 3626

(Alyfuku; see at least Figure 3A, column II, column 3, line 65 to column 4, line 37, column 8, lines 45-52, column 11, line 59 to column 12, line 4) and wherein said categories include two or more of nutrition, activity level, mind centering, sleep, and daily activities (Alyfuku; see at least Figure 3A, column II, column 3, line 65 to column 4, line 37, column 8, lines 45-52, column 11, line 59 to column 12, line 4) and wherein at least a portion of said feedback is in graphical form (Alyfuku; see at least Figure 3A, column II, Figure 41, Items S289 and S 296, Figure 48, Item S357, Figure 57, Item S507, Figure 58, Item S529 , column 8, lines 45-61).

(H) As per claims 72-77, Alyfuku, Alleckson, and Brown teach a system as analyzed and disclosed above, wherein said central monitoring unit is adapted to generate one or more web pages containing said feedback, said web pages being accessible by said recipient over the Internet (Alleckson; column 2, line 61 to column 3, line 16, column 10, lines 21-62, column 13, line 49 to column 14, line 2, column 14, line 58 to column 15, line 6, column 15, lines 21-54, column 16, lines 6-19), (Alyfuku; Figure 3A, column II, Figure 57, Item S507, column 3, line 65 to column 4, line 37, column 4, line 60 to column 5, line 7, column 8, lines 45-61, column 10, line 51 to column 11, line 22, column 11, line 59 to column 12, line 4) and further comprising means for transmitting said feedback to said recipient over an electronic network (Alyfuku; column 8, lines 45-51, column 11, line 64 to column 12, line 4), (Alleckson; column 1, lines 51-61).

(I) As per claims 78-80, Alyfuku, Alleckson, and Brown teach a system as analyzed and disclosed above, further comprising means for transmitting said feedback or advice to said

Art Unit: 3626

recipient in physical form (Alyfuku; see at least Figure 3A, column II, column 3, line 65 to column 4, line 37, column 8, lines 45-52, column 11, line 59 to column 12, line 4), (Brown; column 11, lines 44-55).

(J) As per claim 81, Alyfuku, Alleckson, and Brown teach a system as analyzed and disclosed above, wherein said central monitoring unit is adapted to generate one or more web pages for each of said categories, said one or more web pages containing detailed information based on at least a portion of at least one of said data indicative of one or more physiological parameters of said individual, said derived data, and said life activities data (Alleckson; column 2, line 61 to column 3, line 16, column 10, lines 21-62, column 13, line 49 to column 14, line 2, column 14, line 58 to column 15, line 6, column 15, lines 21-54, column 16, lines 6-19), (Alyfuku; Figure 3A, column II, Figure 57, Item S507, column 3, line 65 to column 4, line 37, column 4, line 60 to column 5, line 7, column 8, lines 45-61, column 10, line 51 to column 11, line 22, column 11, line 59 to column 12, line 4).

(K) As per claims 82-83, Alyfuku, Alleckson, and Brown teach a system as analyzed and disclosed in claim 62 above, said means for providing comprising means for enabling said individual to input said life activities data and transmit said life activities data to said central monitoring unit (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62) and said means for providing comprising an input device for enabling said individual to input said life

Art Unit: 3626

activities data, said input device being adapted to transmit said life activities data to said central monitoring unit (Alyfuku; column 4, line 60 to column 5, line 7, column 8, lines 51-57, column 10, line 51 to column 11, line 22), (Alleckson; see at least Abstract, column 2, lines 35-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62).

(L) Claim 86 differs from claim 62 by reciting a method of monitoring the degree to which an individual has followed a suggested routine rather than a system for monitoring the degree to which an individual has followed a suggested routine.

As per claim 86, Alyfuku and Alleckson teach a method, comprising the steps of:

receiving, at a central monitoring unit, at least one of data indicative of one or more physiological parameters of said individual and derived data based on at least a portion of said data indicative of one or more physiological parameters, said data indicative of one or more physiological parameters and said derived data being generated by a sensor device when placed in proximity with at least a portion of the human body (Alyfuku; see at least Figure 19, Item 89, Figure 11, Item 91, column 14, line 52 to column 16, line 2, column 11, line 59 to column 12, line 4, column 12, line 54 to column 13, line 2, column 15, lines 9-25, column 17, lines 35-45, column 19, lines 16-26, 40-49, column 20, lines 27-31, 46-48), (Alleckson; see at least Abstract, column 2, lines 29-61, column 3, line 39 to column 4, line 5, column 10, lines 21-62, column 12, lines 40-62).

receiving at said central monitoring unit life activities data of said individual (Alyfuku; Abstract, column 1, lines 7-17, column 3, lines 20-31, column 4, line 30 to column 5, line 7);

Art Unit: 3626

generating at said central monitoring unit feedback or advising relating to the degree to which said individual has followed said suggested routine, said feedback or advice being generated from at least a portion of at least one of said data indicative of one or more physiological parameters of said individual, said derived data, and said life activities data (Alyfuku; column 8, lines 45-51, column 11, line 64 to column 12, line 4), (Alleckson; column 1, lines 51-61); and

providing said feedback or advice to a recipient (Alyfuku; column 8, lines 45-51, column 11, line 64 to column 12, line 4), (Alleckson; column 1, lines 51-61).

Alyfuku and Alleckson fail to explicitly disclose a method for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan.

Brown teaches a method for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan (Brown; see at least Abstract, Figures 5 to 9, Figure 17, column 6, lines 20-29).

The motivations for combining the respective teachings of Alyfuku and Alleckson are as given in the rejection of claim 1 above, and incorporated herein.

The motivations for combining the respective teachings of Alyfuku, Alleckson and Brown are as given in the rejection of claim 62 above, and incorporated herein.

Art Unit: 3626

(M) Claims 87-103 repeat the same limitations of claims 67-80, 83-85 and are therefore rejected for the same reasons given for those claims. .

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al, U.S. Patent Number 5, 410, 471 and Alleckson et al, U.S. Patent Number 6, 336, 900 as applied to claims 1 and 14 above, and further in view of Reuss U.S. Patent Number 6, 364, 834.

(A) As per claims 15-17, Alyfuku and Alleckson teach a system as discussed above, in claims 1 and 14.

Alyfuku and Alleckson fail to explicitly disclose a system further comprising a personal digital assistant for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data and further comprising a pager for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data and further comprising a cellular phone for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data..

Reuss teaches a system further comprising a personal digital assistant for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data (Reuss; Figure 6, Figure 7, column 4, lines 55-60, column 15, line 27 to column 16, line 14, column 16, line 57 to column 17, line 32) and further comprising a pager for receiving said at least one of said data indicative of one or more physiological parameters, said derived data , and said analytical status data (Reuss; Figure 6, Figure 7, column

Art Unit: 3626

4, lines 55-60, column 15, line 27 to column 16, line 14, column 16, line 57 to column 17, line 32) and further comprising a cellular phone for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data.

(Reuss; Figure 6, Figure 7, column 4, lines 55-60, column 15, line 27 to column 16, line 14, column 16, line 57 to column 17, line 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku and Alleckson to include further comprising a personal digital assistant and further comprising a pager and further comprising a cellular phone for receiving said at least one of said data indicative of one or more physiological parameters, said derived data, and said analytical status data, as taught by Reuss, with the motivation of providing a medical monitoring system which enables transmission of messages, including medical alert, from the central monitoring system to wireless, remote access devices, which may themselves reply or communicate with each other, as part of providing an integrated medical monitoring system which can receive and control a plurality of medical parameters and/or waveforms being monitored at remote locations and which includes local patient, central monitoring systems, central viewing stations, and remote access device using bi-directional wide bandwidth data transmissions, and an electronic data entry system and which enables dynamic control of remote monitoring simultaneously with medical parameter and/or waveform data acquisition (Reuss; column 2, line 56 to column 3, line 60).

7. Claims 21-22, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al, U.S. Patent Number 5, 410, 471 and Alleckson et al, U.S. Patent Number 6, 336,

Art Unit: 3626

900 as applied to claim 1 above, and further in view of Goodman U.S. Patent Number 5, 827, 180.

(A) As per claims 21-22, Alyfuku and Alleckson teach a system as discussed above, in claim 1.

Alyfuku and Alleckson fail to explicitly disclose a system wherein said recipient comprises said individual and wherein said recipient comprises a third party or facility authorized by said individual.

Goodman teaches a system wherein said recipient comprises said individual (Goodman; see at least column 2, lines 44-51) and wherein said recipient comprises a third party or facility authorized by said individual (Goodman; see at least Abstract, column 3, line 49 to column 4, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku and Alleckson to include wherein said recipient comprises said individual and wherein said recipient comprises a third party or facility authorized by said individual, as taught by Goodman, with the motivation of providing a comprehensive outpatient management system which evaluates compliance with a medication regimen, monitors the effect of the treatment, allows 2-way information exchange between the provider and the patient, and reduces the physician's burden of closely monitoring outpatient treatment, and making the process of closely monitoring outpatient treatments more convenient to both the patients and health care providers. (Goodman; column 1, lines 34-52, column 2, lines 36-41).

Art Unit: 3626

(B) Claims 42-43 repeat the same limitations of claims 21-22 and are therefore rejected for the same reasons given for those claims. .

8. Claims 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al, U.S. Patent Number 5, 410, 471, Alleckson et al, U.S. Patent Number 6, 336, 900 and Brown, U.S. Patent Number 5, 933, 136 as applied to claim 62 above, and further in view of Goodman U.S. Patent Number 5, 827, 180.

(A) As per claims 84-85, Alyfuku, Alleckson, and Brown teach a system as analyzed and disclosed in claim 62 above.

Alyfuku, Alleckson, and Brown fail to explicitly disclose a system wherein said recipient is said individual and wherein said recipient is a third party or facility authorized by said individual.

Goodman teaches a system wherein said recipient is said individual (Goodman; see at least column 2, lines 44-51) and wherein said recipient is a third party or facility authorized by said individual (Goodman; see at least Abstract, column 3, line 49 to column 4, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alyfuku, Alleckson, and Brown to include wherein said recipient is said individual and wherein said recipient is a third party or facility authorized by said individual, as taught by Goodman, with the motivation of providing a comprehensive outpatient management system which evaluates compliance with a medication regimen, monitors

Art Unit: 3626

the effect of the treatment, allows 2-way information exchange between the provider and the patient, and reduces the physician's burden of closely monitoring outpatient treatment, and making the process of closely monitoring outpatient treatments more convenient to both the patients and health care providers. (Goodman; column 1, lines 34-52, column 2, lines 36-41).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Delestienne et al, U.S. Patent Number 6, 377, 162, Groezinger, U.S. Patent Number 6, 101, Frid et al, U.S. Patent Number 5, 857, 967, 407 and the 2 articles teach the environment of remote monitoring of health, wellness, fitness, physiological, physical and behavioral parameters.

Delestienne et al, U.S. Patent Number 6, 377, 162, teaches a medical diagnostic field service method and apparatus that transmits and receives data with remote facilities.

Groezinger, U.S. Patent Number 6, 101, 407, teaches a method and system for remotely viewing and configuring output from a medical imager having an embedded web server that generates web pages, providing viewing access from a remote machine.

Frid et al, U.S. Patent Number 5, 857, 967, teaches a universally accessible healthcare device with on the fly generation of web pages, providing access to the web pages to remote web browsers.

Art Unit: 3626

Warfighter Physiological Status Monitoring. 1999 MOMRP Fact Sheet No. 6.

USAMRMC Military Operational Medicine Research Program. [Retrieved on May 5, 2003].

Retrieved from Internet. URL: <<http://www.momrp.org/publications/WPSM.pdf>>.

Henshaw, D. THE H. J. ANDREWS CLIMATOLOGICAL FIELD MEASUREMENT PROGRAM. August 9, 1997. [Retrieved on May 5, 2003]. Retrieved from Internet. URL: <<http://www.fsl.orst.edu/lter/research/component/climate/summary.cfm?sum=clim97&topnav=57>>.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Art Unit: 3626


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP

Natalie A. Pass

May 7, 2003


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600